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DISCLAIMER

The terminal part of the statutory term of any patent granted on the above-identified application or the above-identified patent that is subject to re-examination, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and § 173 of the patent or application forming the basis of the double patenting rejection,

☐ United States Patent No. _____, as presently shortened by any terminal disclaimer,

☒ Any patent granted on application number 10/711,353,

to the subject matter claimed in the above-referenced patent application, is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to

☒ United States Patent Nos. 6,279,242, 6,502,323, 6,640,457, and 6,766,582,

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this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and § 173 of the patent or application forming the basis of the double patenting rejection.

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in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Date: 3/1/06

Disclaimant: Kenneth J. Smith

Kenneth J. Smith

FEE STATUS (37 C.F.R. § 1.20(d))

☒ Other than a small entity-fee \$130.00 each.

☐ Small entity-fee \$65.00.

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